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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Ulualoha H. Naumu,  
  
Plaintiff,  
  
v.  
  
Consumer Portfolio Services, Inc.,  
  
Defendant.

Case No.:  
  
**Complaint for damages under the Fair  
Debt Collection Practices Act, 15  
U.S.C. § 1692 et seq.**  
  
**Jury trial demanded**

**Introduction**

1. In enacting the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (the “FDCPA”), Congress found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and determined that abusive debt collection practices contribute to bankruptcies,

1 marital instability, the loss of jobs, and invasions of individual privacy. The  
2 FDCPA is intended to eliminate abusive debt collection practices by debt  
3 collectors. The Act ensures that law-abiding debt collectors are not  
4 competitively disadvantaged, and protects consumers against debt collection  
5 uniformly among the States.

6 2. Ulualoha H. Naumu (“Plaintiff”), by counsel, brings this action to challenge  
7 the actions of Consumer Portfolio Services, Inc. (“Defendant”), with regard  
8 to Defendant’s unlawful attempts to collect debt from Plaintiff, causing harm  
9 to Plaintiff.

10 3. Plaintiff makes these allegations on information and belief, with the exception  
11 of those allegations that pertain to Plaintiff, which Plaintiff alleges on personal  
12 knowledge.

13 4. While many violations are described below with specificity, this Complaint  
14 alleges violations of the statutes cited in their entirety.

15 5. Unless otherwise stated, all the conduct engaged in by Defendant took place  
16 in Nevada.

17 6. Any violations by Defendant was knowing, willful, and intentional, and  
18 Defendant did not maintain procedures reasonably adapted to avoid any such  
19 violations.

### 20 **Jurisdiction and Venue**

21 7. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331 (federal question  
22 jurisdiction).

23 8. This action arises out of Defendant’s violations of the FDCPA.

24 9. Defendant is subject to personal jurisdiction in Nevada, as it is registered with  
25 the Nevada Secretary of State and conducts business in Nevada, and attempted  
26 to collect debt from Plaintiff in Nevada.  
27

1 10. Venue is proper pursuant to 28 U.S.C. § 1391 because all the conduct giving  
2 rise to this complaint occurred in Nevada.

### 3 **Parties**

4 11. Plaintiff is a natural person who resides in Clark County, Nevada.

5 12. Plaintiff is alleged to owe a debt, and is a consumer as that term is defined by  
6 15 U.S.C. § 1692a(3).

7 13. Defendant is a company that offers debt collection services.

8 14. Defendant uses an instrumentality of interstate commerce or the mails in a  
9 business the principal purpose of which is the collection of debts, or who  
10 regularly collects or attempts to collect, directly or indirectly, debts owed or  
11 due or asserted to be owed or due another and is a debt collector as defined by  
12 15 U.S.C. § 1692a(6).

### 13 **Factual Allegations**

14 15. Plaintiff is alleged to have owed a debt to the original creditor for a debt  
15 relating to a car loan (the “debt”).

16 16. The debt was incurred primarily for personal, family or household purposes  
17 and the debt is therefore a debt as that term is defined by 15 U.S.C. §1692a(5).

18 17. The validity of the alleged debt is immaterial to this action, and Plaintiff  
19 currently takes no position as to its validity.

20 18. Sometime thereafter, Defendant was assigned the right to collect on the debt.

21 19. Defendant repeatedly called plaintiff on her cell phone even after Plaintiff  
22 disputed the debt and told Defendant to stop calling her on her cell phone.

23 20. Also, Defendant also called Plaintiff repeatedly after 9 PM and before 8 AM  
24 even though Plaintiff requested that these calls stop.

25 21. Furthermore, Defendant repeatedly called Plaintiff at work even after Plaintiff  
26 specifically informed Defendant that she was not allowed to receive such calls  
27 at work and to stop making such calls to her at her workplace.

22. Under the FDCPA, “a debt collector may not communicate with a consumer in connection with the collection of any debt—(1) at any unusual time or place or a time or place known or which should be known to be inconvenient to the consumer. In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating with a consumer is after 8 o’clock antemeridian and before 9 o’clock postmeridian, local time at the consumer’s location . . . or (3) at the consumer’s place of employment if the debt collector knows or has reason to know that the consumer’s employer prohibits the consumer from receiving such communication.” 15 U.S.C. § 1692c.

23. Furthermore, “If a consumer notifies a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer, the debt collector shall not communicate further with the consumer with respect to such debt.” *Id.*

24. Consequently, Defendant violated 15 U.S.C. § 1692c(a) and (c).

25. Defendant’s actions were willful and knowing because Defendant knew that Plaintiff was represented by an attorney and knew that it was prohibited from contacting a represented consumer.

### **Plaintiff’s damages**

26. Plaintiff has suffered emotional distress and mental anguish as a result of Defendant’s actions described herein. In addition, Plaintiff incurred out-of-pocket costs and time in attempts to dispute Defendant’s actions. Plaintiff further suffered humiliation and embarrassment when Plaintiff’s employer was notified that Plaintiff owed the debt and when Plaintiff needed to seek the help of others, including friends, family, and an attorney, because Plaintiff felt helpless against Defendant.

**Count One****Fair Debt Collection Practices Act****15 U.S.C. §§ 1692 et seq.**

27. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs of the Complaint as though fully stated herein.

28. Defendant's conduct violated 15 U.S.C. § 1692c(a) in that Defendant unlawfully communicated with Plaintiff at inconvenient times to collect the debt when Defendant knew that Plaintiff disputed the debt and asked that the calls cease and that Defendant stop calling Plaintiff at work.

29. Defendant's conduct also violated § 1692d in that Defendant engaged in conduct the natural consequence of which was to harass, oppress, or abuse any person in connection with the collection of a debt. Specifically, Defendant's demand for Plaintiff to pay, after Plaintiff disputed the debt had the natural consequence to harass, oppress, or abuse a consumer.

30. The foregoing acts and omissions constitute numerous and multiple violations of the FDCPA, including but not limited to each and every one of the above-cited provisions of the FDCPA.

31. As a result of each and every violation of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1), statutory damages up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant.

**Prayer for relief**

32. WHEREFORE, Plaintiff prays that judgment be entered against Defendant, and Plaintiff be awarded damages from Defendant, as follows:

- An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);

- An award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3); and
- Any other relief that this Court deems just and proper.

**Jury Demand**

33. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: May 25, 2020.

Respectfully submitted,

**KIND LAW**

/s/ Michael Kind

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